



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5720  
PERS 00J6/20190166  
January 15, 2019

Mr. Richard L. Morris, Esq.  
Military Law Center  
PO Box 309  
Portsmouth, VA 23705

Dear Mr. Morris:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST

This is in response to your Freedom of Information Act (FOIA) request dated January 7, 2019. You seek a copy of MILPERSMAN Article 1910-122 that was in effect on February 1, 2005. Your request was received in this office on January 15, 2019, has been assigned FOIA correspondence file number CNPC20190166 by this command.

A copy of MILPERSMAN Article 1910-122 in effect on February 1, 2005, as well as the applicable article change history dates, are enclosed. Should you wish to discuss the processing of your request, you may contact the undersigned at (901) 874-3165. You may also contact the DON FOIA Public Liaison, Christopher Julka, at Christopher.a.julka@navy.mil or (703) 697-0031. Further, you may contact the Office of Government Information Services (OGIS) as they provide a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, please go to: <https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

A handwritten signature in black ink, appearing to read "D. P. German", is written over a horizontal line.

D. P. GERMAN  
FOIA/PA Officer  
By direction

	A	B	C	D	E	F	G
	1991 MILPERSMAN NEW SSIC ARTICLE NOS.	NEW TITLE	CHANGE NUMBER/DATE (SSIC = date article number was changed)	OLD ARTICLE NUMBERS	OLD ARTICLE TITLE	LATEST SPONSOR	REMARKS
1	1910-122	Separation by Reason of Convenience of the Government - Personality Disorder(s)	CH-5, 05MAR93 CH-9, 22JUL94 CH-14, 03OCT96 CH-18, 12DEC97 - SSIC CH-21, 01SEP98 CH-24, 20MAY99 CH-27, 27MAR00 CH-33, 14AUG01	3620215	Separation of Enlisted Personnel at the Convenience of the Government - Basis of Parenthood	PERS-814/913	
490							
491	1910-124	Separation by Reason of Convenience of the Government - Parenthood	CH-5, 05MAR93 CH-9, 22JUL94 CH-14, 03OCT96 CH-18, 12DEC97 - SSIC CH-33, 27AUG01	3620225	Separation of Enlisted Personnel at the Convenience of the Government on the Basis of Pregnancy/Childbirth	PERS-814/913	
492	1910-126	Separation by Reason of Convenience of the Government - Review Action	CH-14, 03OCT96 - NEW CH-18, 12DEC97 - SSIC	3620205	Separation of Enlisted Personnel by Reason of Convenience of the Government - Review Action	PERS-83	CH-14 - NEW
493	1910-127	Separation by Reason of Convenience of the Government - Being an Alien	CH-5, 05MAR93 - CHGD # CH-9, 22JUL94 CH-14, 03OCT96 - DEL CH-20, 28MAY98 - SSIC CH-32, 08MAY01	3620250	Separation of Enlisted Personnel at the Convenience of the Government on the Basis of Failure to Meet the Physical Readiness Standards (Obesity/Physical Readiness Test (PRT) Failure)	PERS-814	CH-5 - SWITCHED # & NAME w/ 3620260 CH-14 - DEL CH-20 - REINSTATED & renumbered to 1910-127
494	1910-128	Separation by Reason of Defective Enlistments and Inductions - Minority	CH-5, 05MAR93 CH-8, 20DEC93 CH-9, 22JUL94 CH-14, 03OCT96 CH-18, 12DEC97 - SSIC CH-32, 08MAY01	3620285	Separation of Enlisted Personnel for Defective Enlistments and Inductions - Minority	PERS-814	

ARTICLE	CHANGE # AND DATE	DATE OF LATEST CHG-FOR SORT	TITLE OF ARTICLE	PRIMARY COG	DATE REVIEW REQUEST SENT
1910-010	CH-11, 13 Apr 2005 CH-37, 20 Sep 2011	20 Sep 2011	Administrative Separation (ADSEP) Policy and General Information	PERS-832	21 Jan 2012
1910-050	CH-35, 5 May 2011 CH-49, 4 Oct 2014	24 Aug 2018	Enlisted Involuntary Separation Pay (Non-Disability) Reserve Requirements and Obligations	OPNAV (N13)	
1910-100	CH-64, 24 Aug 2018 CH-11, 1 Jun 2005 CH-23, 21 May 2008 CH-37, 20	20 Sep 2011	Reasons for Separation	PERS-832	21 Jan 2012
1910-101	CH-35, 18 Apr 2011 (New) CH-42, 28 Mar 2013	28 Mar 2013	Early Career Transition Program	BUPERS-328	
1910-102	CH-11, 31 May 2005 CH-40, 21 Jul 2012 CH-61, 30 Nov 2017	30 Nov 2017	Separation by Reason of Changes in Service Obligation (Active Duty and Inactive Navy Reservist)	PERS-832 PERS-913	21 Jul 2012
1910-104	CH-11, 20 Jun 2005	20 Jun 2005	Separation by Reason of Expiration of Active Obligated Service (EAOS)	PERS-832	2 Mar 2005
1910-106	CH-11, 31 May 2005 CH-64, 23 Sep 2018	23 Sep 2018	Separation in Lieu of Trial by Court-Martial	PERS-832/ PERS-913	2 Mar 2005
1910-108	CH-11, 20 Jun 2005 CH-24, 28 Jul 2008 CH-36, 19 Aug 2011 CH-11, 31 May 2005	19 Aug 2011	Separation by Reason of Convenience of the Government - Early Release to Further Education	PERS-8352	22 Jul 2008
1910-110		31 May 2005	Separation by Reason of Convenience of the Government - Hardship	PERS-40HH	5 Sep 2006
1910-112	CH-11, 25 May 2005 CH-14, 31 Mar 2006	31 Mar 2006	Separation by Reason of Convenience of the Government - Pregnancy	PERS-832 PERS-913	2 Mar 2005
1910-118	CH-16, 18 Aug 2006 CH-49, 19 Dec 2014	19 Dec 2014	Separation by Reason of Convenience of the Government - When a Reservist Becomes a Minister	PERS-913	19 Jul 2006
1910-120	CH-8, 23 Sep 2004 CH-11, 25 May 2005 CH-16, 24 Jul 2006 CH-24, 28-Jul-08 CH-35, 25 Apr 2011 CH-39, 15 Mar 2012	15 Mar 2012	Separation by Reason of Convenience of the Government - Physical or Mental Conditions	PERS-835 PERS-913	22 Jul 2008
1910-122	CH-11, 20 Jun 2005 CH-16, 24 Jul 2006 CH-23, 29 May 2008 CH-28, 21 Aug 2009	21 Aug 2009	Separation by Reason of Convenience of the Government - Personality Disorder(s)	PERS-832 PERS-913	17 Sep 2009
1910-124	CH-11, 20 May 2005 CH-14, 29 Mar 2006 CH-32, 4 Aug 2010 CH-42, 19 Dec 2012 CH-43, 31 May 2013 (New)	19 Dec 2012	Separation by Reason of Convenience of the Government - Parenthood	PERS-835 PERS-913	22 Sep 2010
1910-125		31 May 2013	Failure to Complete Initial Skills Training Pipeline	OPNAV (N132)	
1910-126		22 Aug 2002	Separation by Reason of Convenience of the Government - Review Action	PERS-832	14 Feb 2018

## MILPERSMAN 1910-122

### Separation by Reason of Convenience of the Government - Personality Disorder(s)

---

<b>Responsible Office</b>	NAVPERSCOM (PERS-814) Enlisted active duty members	Phone:	DSN COM FAX	882-3271 (901) 874-3271 882-2754
	NAVPERSCOM (PERS-913) Enlisted inactive duty Reservists	Phone:	DSN COM FAX	882-4503 (901) 874-4503 882-2673

---

<b>Governing Directives</b>	Diagnostic and Statistical Manual of Mental Disorders, 4 <sup>th</sup> Ed. (DSM IV), 1994 NAVMED P-117, Manual of the Medical Department SECNAVINST 1910.4B SECNAVINST 6320.24A
-----------------------------	--

---

1. **Separation Authority.** Commanding officers with Special Court-Martial Convening Authority (SPCMCA).

a. For Selected Reserve personnel not on extended active duty (e.g., ADSW, ADT), Navy Personnel Command (NAVPERSCOM) (PERS-913) is the Separation Authority.

b. If on extended active duty or diagnosed to be a danger to self or others, separate locally.

---

#### 2. **Policy**

a. Per above references, members may be processed for separation based on a clinical diagnosis of a personality disorder when

(1) the disorder is so severe that the member's ability to function effectively in the naval environment is significantly impaired, and

(2) the impairment interferes with the member's performance of duty, or poses a threat to the safety or well-being of the member or others, and the member has not responded to leadership and counseling.

b. Separation for personality disorder is not appropriate when separation is warranted for any other reason (e.g., member meets minimum criteria for misconduct processing).

c. Member must receive a mental health evaluation from a mental health professional.

---

### 3. Procedures for Requesting a Mental Health Evaluation (MHE)

a. Use the following sample letter to schedule a member for a referral to an inpatient/outpatient MHE:

**NOTE:** In the event compliance with any of the rights or procedures in this letter is not practicable due to need for emergency referral, operational commitments, or other circumstances, prepare a memorandum signed by the commanding officer (CO), citing the reasons. Provide copies of the memorandum to the member and to the MHP for inclusion in the member's medical record.

From: Commanding Officer  
To: (Rate/rank, name, Branch, SSN)

Subj: REFERRAL FOR MENTAL HEALTH EVALUATION AND  
PATIENT RIGHTS

Ref: (a) MILPERSMAN 1910-122

1. You are being referred for a mental health evaluation (MHE). You are directed to report to (POC) at (location), no later than (time and date) to undergo an MHE.

2. The following behavior(s) or verbal expression(s) were considered in determining the need for this MHE: (brief but clear description, e.g., your verbal expression of an inability

to perform your duties and responsibilities, a fear of committing a self-destructive act, etc.)

3. Prior to making this referral, (rank/title/name), a mental health professional (MHP), was consulted. or: No mental health professional (MHP) has been consulted prior to making this referral because (list reason).

4. Per reference (a), you are entitled to the following rights. Initial in the space provided those rights you desire:

( ) The right to meet with a military judge advocate (or civilian attorney employed by the Department of Defense (DOD)) who is available to advise you of your rights regarding redress should you question this referral.

( ) The right to submit to the Inspector General (IG) for investigation any allegation that your MHE referral was a reprisal for making or attempting to make a lawful communication to a member of Congress, appropriate authority in your chain of command, an IG, or members of an audit, inspection, investigation, or law enforcement organization.

( ) The right to a second MHE by an MHP of your own choosing, provided reasonably available. Reasonably available means MHP must be available to conduct the evaluation within 10 working days of this letter. Evaluations by an MHP of your own choosing will be at your own expense. You will not be charged for any DOD professional fees; however, ancillary costs such as travel to the site of the evaluation will be at your own expense.

( ) The right to communicate lawfully, without restriction, with an IG, attorney, member of Congress, or others about your referral for an MHE.

( ) The right, except in emergencies, to 2 working days to meet with an attorney, IG, chaplain, or other appropriate party prior to a scheduled MHE. If your condition requires the MHE to be conducted earlier than 2 working days, the reason will be stated in writing as part of the request for the MHE.

5. If your assignment to a naval vessel or unit or your military duties cause the above to be impractical, I will provide you with a separate memorandum which states the reasons for our inability to comply with such procedures.

6. The following personnel can assist you regarding this referral:

a. Military attorney: (name/location/telephone number/hours available).

b. Inspector General: (name/address/telephone number/hours available).

---

Signature of CO  
(or designated official)

---

4. Member's Endorsement to CO's Letter. Prepare the member's endorsement in the following format:

(Date)

FIRST ENDORSEMENT on

From: Rate/rank, Name, Branch, SSN  
To: Commanding Officer

I hereby acknowledge receipt of this referral and have indicated above my elections. I understand that failure to make my scheduled appointment may result in disciplinary and/or administrative action.

---

Member's signature

**NOTE:** Provide copy to the member; retain the original pending completion of the referral and use in case of further administrative separation action, if appropriate.

---

5. Mental Health Professional Assessment

a. A Mental Health Professional (MHP) is a medical officer specializing in psychiatry or is a clinical psychologist. The MHP will assess the circumstances surrounding the request for evaluation to ensure the evaluation does not appear to have been used as a reprisal for any type of whistleblowing attempts or

actions by the member. The MHP will consider information provided both by the member and the command. Evidence, which indicates the evaluation may be in violation of this article, will be reported by the MHP to his/her CO for possible referral to an IG, if applicable.

b. The diagnosis of a personality disorder should be made only when the characteristic features are typical of the person's **long-term** functioning and are not limited to discrete episodes of illness.

c. The MHP will ensure the member is advised of the purpose, nature, and likely consequences of this evaluation and ensure the member understands that this evaluation lacks confidentiality.

**NOTE:** When an MHP performs both evaluative and therapeutic roles, the possible conflict of loyalties will be explained to the member at the outset of the therapeutic relationship.

---

## **6. Notification Procedures**

a. The Notification Procedure (MILPERSMAN 1910-402) will be used.

b. Member may be processed when

(1) the MHE is made by a competent MHP and concludes that the member's personality disorder is so severe that his/her ability to function effectively in the naval environment is significantly impaired. Information and recommendations of the MHP are for command use in determining a proper course of action; however, they will not be used as the total justification for processing the member for separation; or

(2) there is documented evidence that the diagnosed personality disorder interferes with the member's performance of duty. Evidence may be in the form of documented reduction in performance marks, minor disciplinary infractions, work disruptions, etc., which persist in spite of reasonable attempts by the command in correcting deficiencies through leadership and non-medical counseling. Appropriate disciplinary action may be used to document interference with performance of duty.



c. Member must receive a NAVPERS 1070/613, Administrative Remarks counseling and warning (MILPERSMAN 1910-204), and be given an opportunity to overcome his/her deficiencies in performance and conduct prior to any administrative separation action for a personality disorder.

**EXCEPTION:** If the member is diagnosed by competent MHP to be a danger to him/herself or others, the requirement for a NAVPERS 1070/613 counseling and warning **does not apply**.

**NOTE:** Recommendation by the MHP for immediate discharge when the member is either (1) **not** diagnosed as a threat to him/herself or others, **or** (2) **not** diagnosed as having a personality disorder, will not be processed under this article.

d. Required enclosures when processing for personality disorder include

- (1) copy of the mental health evaluation by the MHP;
- (2) copy of the Notification Letter (MILPERSMAN 1910-402);
- (3) a completed, legible, and signed copy of the MHE referral letter (if applicable); and
- (4) a copy of the NAVPERS 1070/613 counseling/warning, if applicable.

e. Forward all complete cases by letter of transmittal to NAVPERSCOM (PERS-814) for active duty or NAVPERSCOM (PERS-913) for reserves for review and/or final determination.

---

7. **Characterization of Separation.** Honorable, unless an Entry Level Separation or General (Under Honorable Conditions) is warranted per MILPERSMAN 1910-300 to 1910-308.

---